

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EASTERN SAVINGS BANK, FSB,

Civil Case No. 13-cv-6070-AMD-ST

Plaintiff,

-against-

LINFORD W. JOHNSON, INDIVIDUALLY
AND AS ADMINISTRATOR OF THE
ESTATE OF MULVINA ECCLESTON; NEW
YORK CITY ENVIRONMENTAL CONTROL
BOARD, MICHAEL JOHNSON, WILLIAM
ROBINSON, ARLENE WILLIAMSON,
KALICH WILLIAMSON, and AGATHA
JOHNSON,

NOTICE OF MOTION

Defendants.

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PLEASE TAKE NOTICE that upon the attached affidavit of Kevin S. Golding, Esq., sworn to on November 2nd 2020 and upon the affirmation herein, Counsel for the Defendant Linford Johnson will move this Court, before the Honorable Steven L. Tiscione, United States District Magistrate Judge of the United States District Court for the Eastern District of New York, located at 255 Cadman Plaza East, Brooklyn, NY 11201, on a date and time to be designated by the Court, if necessary, for an order relieving Kevin Golding and Golding & Associates, PLLC pursuant to LOCAL Civ. R. 1.4 and in compliance with New York Rules of Prof. Conduct 1.16(c) (7), as Counsel for Defendant Linford Johnson

Dated New York, New York
November 2nd 2020

GOLDING & ASSOCIATES PLLC
Attorneys for Defendant

By Kevin S. Golding, Esq.,
Golding & Associates PLLC
299 Broadway, Suite 710
New York, New York 10007
Tel: (212) 385-2417
Fax: (212) 385-2418

All counsel of record for all appearing parties via EDNY electronic Case Filing system

To:

Kriss & Feuerstein LLP
Attorneys for Plaintiff
360 Lexington Avenue, Suite 1200
New York, New York 10017
Tel: (212) 661-2900
Fax: (212) 661-9397

Linford Johnson/Defendant
356 East 31st Street, apt 1R
Brooklyn, NY 11226

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EASTERN SAVINGS BANK, FSB,

Plaintiff,
-against-

LINFORD W. JOHNSON, INDIVIDUALLY
AND AS ADMINISTRATOR OF THE
ESTATE OF MULVINA ECCLESTON; NEW
YORK CITY ENVIRONMENTAL CONTROL
BOARD, MICHAEL JOHNSON, WILLIAM
ROBINSON, ARLENE WILLIAMSON,
KALICH WILLIAMSON, and AGATHA
JOHNSON,

Defendants.

Civil Case No. 13-cv-6070-AMD-ST

**ATTORNEY AFFIRMATION
IN SUPPORT OF MOTION
TO BE RELIEVED AS COUNSEL**

Pursuant to LOCAL CIV R. 1.4, Kevin. S. Golding, Esq., (“Movant”) hereby notifies the parties and the Court of his intent to be relieved as counsel for Defendant. Movant states the following grounds in support of this notice of motion:

1. Defendant, LINFORD JOHNSON, has been difficult to communicate with over a period of time particularly after March 2020. Moreover there is a current discovery request made by the Plaintiff and our client has failed to respond diligently to the discovery request, or in a manner to enable effective representation of counsel going forward in his defense.
2. After the court’s conference on or around August 7, 2020, I was instructed to file a Notice of Appearance on or before August 14th 2020 and to create a new discovery schedule with opposing counsel. **Exhibit A**

3. Before confirming the discovery schedule with opposing counsel I needed to confirm it with the defendant and request that he bring in all the necessary documents and materials.

4. Not being in touch with the client despite calling him several times with no results we sent a letter to his residence on September 14, 2020 by regular mail and again by certificate of mailing on September 18th 2020 See **Exhibit B**

6. On Monday, September 21, 2020 at about 5:00p.m., the defendant, Linford Johnson, appeared at the office in Manhattan with an excuse of having been away in Miami at a funeral of his Aunt. He said he would come back to the office the next day with proof of his absence and he did not appear. Instead he went to our Brooklyn office and left his email address.

7. I have endeavored to keep opposing counsel informed at all times as a good faith effort to keep him abreast with his ongoing efforts in answering the discovery demand. See **Exhibit C**.

9. Under these circumstances, I am unable to litigate the defendant's case in a zealous manner due to non-cooperation by the client in the conduct of his defense.

10. Furthermore, as mentioned above it was required that I file a Notice of Appearance on this matter on or before August 14 2020. I decided to file the Notice in person as I was aware that there might be technical difficulties with the online system that may result in a late filing. I went to the court on August 14th 2020, and after going through the security checks I was instructed not go any further, but to simply drop the Notice of Appearance in a box and get a copy stamped. A security officer confirmed that this was the correct the procedure. See attached **Exhibit D** proof of filing of the Notice of Appearance on August 14th 2020

11. It was not until I received the motion to appear on October 15th 2020 that I realized that the court part had no knowledge of my filing. I was then instructed to efile the notice and I did so after experiencing some technical difficulties, see **Exhibit E**

12. That on October 15th 2020 I drove from Brooklyn and arrived at the Court a few minutes after 11am, I looked at the original letter from the court see **Exhibit F** and then went to the courtroom for the Honorable Jerold C. Feuerstien. The room was empty so I then went to the clerks office who sent me to the 9th floor for your Honors courtroom. Having found no room with your Honors name, I went back to the clerks office and was told by another clerk that your Honors courtroom was now on the 7th floor. Having arrived at the 7th floor I arrived at your honors court room, but nobody was there. I waited for a few minutes and called your Honors chambers and left a voicemail. I then called my adversary Mr. Greg Friedman Esq who told me what happened, namely that his office was to file a default motion on or before 10/30/20 and that our office was to refile their motion to be relieved as counsel. At no point did I intentionally or willfully miss the court date.

13. No prior application for the relief requested herein has been made to this or any other Court.

WHEREFORE, for the foregoing reasons, Law Office of Golding & Associates PLLC respectfully requests that this Court issue an Order relieving Golding and Associates PLLC and Kevin S. Golding, Esq., as Defendant's counsel and staying the within action for a sufficient period of time so as to allow Defendant to retain new counsel, and that this Court grant such other, further relief as may seem just and proper.

Dated: New York, New York
November 2nd, 2020

GOLDING & ASSOCIATES PLLC



Kevin S. Golding, Esq.,
Golding & Associates PLLC
Attorney for Defendant- Linford Johnson

299 Broadway, Suite 710
New York, New York 10007
(212) 385-2417

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EASTERN SAVINGS BANK, FSB,

Plaintiff,
-against-

LINFORD W. JOHNSON, INDIVIDUALLY
AND AS ADMINISTRATOR OF THE
ESTATE OF MULVINA ECCLESTON; NEW
YORK CITY ENVIRONMENTAL CONTROL
BOARD, MICHAEL JOHNSON, WILLIAM
ROBINSON, ARLENE WILLIAMSON,
KALICH WILLIAMSON, and AGATHA
JOHNSON,

Defendants.

Civil Case No. 13-cv-6070-AMD-ST

**PROPOSED ORDER
GRANTING MOTION
TO BE RELIEVED AS COUNSEL**

Date:

Time:

v Judge: The Hon. Steven L. Tiscione

Kevin S. Golding, Esq., and Golding & Associates PLLC seeks to withdraw as counsel for Defendant in the above-captioned litigation pursuant to LOCAL CIV R. 1.4 and New York Rules of Professional Conduct 1.16(c)(7). As this Court finds that Mr. Golding, Esq., has submitted satisfactory reasoning for withdrawal, and that the granting of this Motion will not cause substantial prejudice or delay to any party,

IT IS HEREBY ORDERED that Kevin S. Golding's and Golding & Associates PLLC Motion to be relieved as Counsel for Defendant is GRANTED, and Kevin S. Golding and Golding & Associates PLLC is hereby withdrawn as counsel in this litigation.

DATED: _____

By: _____

Hon. Steven L. Tiscione

United States District Court

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EASTERN SAVINGS BANK, FSB,

Plaintiff,

Case No. 13-cv-06070-NGG-RLM

-against-

MULVINA ECCLESTON, LINFORD W.
JOHNSON, NEW YORK CITY
ENVIRONMENTAL CONTROL BOARD,
MICHAEL JOHNSON, WILLIAM ROBINSON,
ARLENE WILLIAMSON, KALICH WILLIAMSON,
and AGATHA JOHNSON,

Defendants.

**AMENDED INITIAL
SCHEDULING ORDER**

Upon consent of the appearing parties and their counsel, it is hereby **ORDERED** as follows:

- 1) Defendant's disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by October 5, 2020, if not yet completed.
- 2) Defendant's Initial document requests and interrogatories will be served no later than September 15, 2020. The parties are aware that the presumptive cap on the number of interrogatories is 25, including subparts.
- 3) Defendant's Responses to Plaintiff's initial document requests and interrogatories will be served no later than October 5, 2020.
- 4) Plaintiff's Responses to Defendant's initial document requests and interrogatories will be served no later than October 29, 2020.
- 5) All non-expert witness party depositions must be completed by November 13, 2020.
- 6) All discovery, including any depositions of experts, shall be completed on or before November 30, 2020. (*Generally, this date must be no later than 9 months after the initial conference.*)
- 7) Any dispositive motion practice must be commenced by December 30, 2020, within 30 days of the close of all discovery. Parties must consult the Individual Rules of the District Judge assigned to this case to determine, *inter alia*, if a pre-motion conference letter is required before a dispositive motion is filed, whether a Local Rule 56.1 statement must be submitted with the motion and whether such a motion must be "bundled."

8) A proposed joint pre-trial order must be filed (or if required by the District Judge, a scheduling date must be requested) by January 29, 2021, within 60 days of the close of fact discovery.

Dated: Brooklyn, New York

STEVEN L. TISCIONE
UNITED STATES MAGISTRATE JUDGE

CONSENTED TO BY COUNSEL:

Signature: /s/ Greg A. Friedman

Greg Friedman, Esq. (GF4506)

KRISS & FEUERSTEIN LLP

Attorneys for Plaintiff

360 Lexington Avenue, 12th Floor

New York, New York 10017

(212) 661-2900

gfriedman@kandflp.com

Signature: _____

Kevin Golding, Esq.

Golding & Associates PLLC

Attorney for Defendant Linford Johnson

299 Broadway, Suite 710

New York, New York 10007

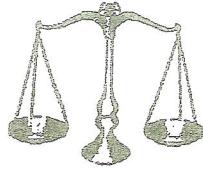
(212) 385-2417

EXHIBIT B

LAW OFFICE OF
GOLDING & ASSOCIATES, P.L.L.C.

299 BROADWAY, SUITE 710, NEW YORK, NY 10007
TEL: 212-385-2417 FAX: 212-385-2418

E-MAIL ADDRESS
goldks@prodigy.net



Linford Johnson
356 East 31st Street,
Brooklyn, NY 11226

Date: 09/14/20

Re: Eastern Savings Bank, FSB v. Linford Johnson
Civil Case No. 13-cv-6070-AMD-ST

Dear Mr. Johnson,

Please refer to the above matter.

Our office has been trying to contact you since our last conversation on or about August 7, 2020. Please call our office immediately otherwise we will be forced to file the appropriate motions to be relieved as your attorney in this matter.

Please treat this communication with utmost seriousness.

Yours,


Kenneth S. Golding, Esq.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Brooklyn, NY 11226

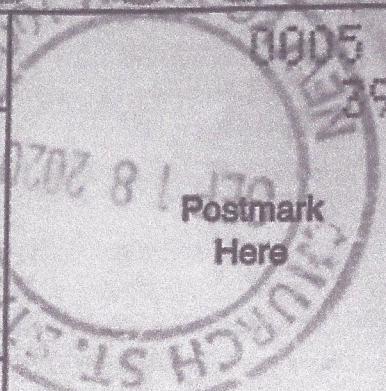
OFFICIAL USE

Certified Mail Fee \$3.55

\$ \$0.00
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ 0.00
 Return Receipt (electronic) \$ 0.00
 Certified Mail Restricted Delivery \$ 0.00
 Adult Signature Required \$ 0.00
 Adult Signature Restricted Delivery \$ 0.00

Postage \$0.55

\$ \$4.10
Total Postage and Fees



09/18/2020

Sent To Linford Johnson

Street and Apt. No., or P.O. Box No.

356 East 31st Street

City, State, ZIP+4*

Brooklyn, NY 11226

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

EXHIBIT C

He came in last week, then disappeared again, we will be filing our motion to be relieved this week.

On Oct 2, 2020, at 10:12 AM, Greg Friedman <gfriedman@kandfllp.com> wrote:

Kevin:

Have you been in contact with your client?

Thanks.

Greg A. Friedman
Kriss & Feuerstein LLP
360 Lexington Avenue, Suite 1200
New York, NY 10017
Phone: 212-661-2900 Ext. 4170
Fax: 212-661-9397
Email: gfriedman@kandfllp.com

<image001.png>

From: goldingassociates99@gmail.com <goldingassociates99@gmail.com>
Sent: Wednesday, September 16, 2020 1:52 PM
To: Greg Friedman <gfriedman@kandfllp.com>
Subject: Re: Eastern Savings Bank v. Lindford Johnson

[EXTERNAL]

Dear Friedman,

Dear Friedman,

I am ready to inform you that we still have not yet heard from our client. We have mailed him a letter, if he does not respond by Monday September 21st 2020, then we will begin the process of filing the appropriate motions to be relieved from this case.

Yours

Kevin Golding

Sent from my iPhone

On Sep 4, 2020, at 11:50 AM, Greg Friedman <[gfareman@kandfllp.com](mailto:gfriedman@kandfllp.com)> wrote:

Kevin:

The Court held a hearing today on our joint request to adjourn the settlement conference to December 9, 2020. The Court granted the request and set the Settlement Conference for December 9, 2020 at 12:00pm with settlement statements due to the Court by December 6, 2020.

Greg A. Friedman

Kriss & Feuerstein LLP

360 Lexington Avenue, Suite 1200

New York, NY 10017

Phone: 212-661-2900 Ext. 4170

Fax: 212-661-9397

Email: gfareman@kandfllp.com

<image001.png>

Waiting to hear from client

Sent from my iPhone

On Aug 31, 2020, at 9:26 AM, Greg Friedman <gfriedman@kandflp.com> wrote:

Kevin:

We need to get this before the Court immediately. Please confirm you are reviewing and I will have an answer from you today. Thanks.

Greg A. Friedman
Kriss & Feuerstein LLP
360 Lexington Avenue, Suite 1200
New York, NY 10017
Phone: 212-661-2900 Ext. 4170
Fax: 212-661-9397
Email: gfriedman@kandflp.com

<image001.png>

From: Greg Friedman
Sent: Friday, August 28, 2020 9:49 AM
To: 'goldingassociates99@gmail.com' <goldingassociates99@gmail.com>
Cc: Michael Bonneville <mbonneville@kandflp.com>
Subject: Eastern Savings Bank v. Linford Johnson

Kevin:

Please review the attached Amended Discovery Stipulation and the attached joint letter

Confirmed

Sent from my iPhone

On Sep 1, 2020, at 3:27 PM, Greg Friedman <[gfareman@kandfllp.com](mailto:gfriedman@kandfllp.com)> wrote:

Kevin,

As discussed, attached is a joint letter requesting the settlement conference be adjourned From September 9 to December 9. Please confirm your approval and we will file the letter today.

Greg A. Friedman
Kriss & Feuerstein LLP
360 Lexington Avenue, Suite 1200
New York, NY 10017
Phone: 212-661-2900 Ext. 4170
Fax: 212-661-9397
Email: gfareman@kandfllp.com

<image001.png>

<DOCS-#1680628-v1-9-1-20_-_Letter_to_Judge_Tiscione_(002).docx>

From: Goldingassociates99@gmail.com
Subject: Notice of appearance
Date: Aug 14, 2020 at 4:46:57 PM
To: Greg Friedman gfriedman@kandfllp.com

Attached please find a copy of the notice of a package that was filed in the federal court today

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

EASTERN SAVINGS BANK, FSB, Plaintiff

Case No. 13-cv-036070-AMD-ST

-Against-

MULVINA ECCLESTON, LINFORD W. JOHNSON,
NEW YORK CITY ENVIRONMENTAL CONTROL
BOARD, MICHAEL JOHNSON, WILLIAM
ROBINSON, ARLENE WILLIAMSON, KALICH
WILLIAMSON, and AGATHA JOHNSON,
Defendant(s).

202 AUG 14 AM 10:50
U.S. DISTRICT COURT
CLERK

Please take notice, that Kevin S Golding of The Law firm of Golding & Associates, P.L.L.C. situated at 299 Broadway, Suite 710, New York, NY 10007, herein appears on behalf of the Defendant, ~~ELLEN~~ ^{ELLEN} JOHNSTON, and demands that all further pleadings and correspondence be sent to the address listed below.

Dated: New York, New York

August 14th 2020


Kevin S. Golding, Esq.
Golding & Associates PLLC
299 Broadway, Suite 710
New York, NY 10007

(212) 385-2417

INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF MULVINA ECKERTZ

[EXTERNAL]

I just called your office number and nobody picked up you can reach me on my cell phone on 646-208-7709 and please if I don't pick up leave a message

Sent from my iPhone

On Aug 6, 2020, at 10:49 AM, Greg Friedman <[gfareman@kandfllp.com](mailto:gfriedman@kandfllp.com)> wrote:

To Whom It May Concern:

I am writing to apprise you of the hearing scheduled for tomorrow, August 7, 2020 with respect to Plaintiff's motion to compel and pursuant to Judge Tiscione's order set forth below:

ORDER deferring ruling on 94 Motion to Strike: Defendants shall file a response by 8/5/2020. A Motion Hearing will be held by phone with all counsel at 12:00 p.m. on August 7, 2020 before the undersigned. Counsel shall dial into the conference using the number 888-557-8511 along with access code 3152145. So Ordered by Magistrate Judge Steven Tiscione on 7/29/2020. (Vasquez, Lea) (Entered: 07/29/2020)

Greg A. Friedman
Kriss & Feuerstein LLP
360 Lexington Avenue, Suite 1200
New York, NY 10017
Phone: 212-661-2900 Ext. 4170
Fax: 212-661-9397
Email: gfareman@kandfllp.com

<image001.png>

From: Evelyn Abiola <evelynabiola@gmail.com>
Sent: Thursday, August 6, 2020 10:26 AM
To: Greg Friedman <gfareman@kandfllp.com>

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

EASTERN SAVINGS BANK, FSB, X
Plaintiff,

Case No. 13-cv-036070-AMD-ST

-Against-

MULVINA ECCLESTON, LINFORD W. JOHNSON,
NEW YORK CITY ENVIRONMENTAL CONTROL
BOARD, MICHAEL JOHNSON, WILLIAM
ROBINSON, ARLENE WILLIAMSON, KALICH
WILLIAMSON, and AGATHA JOHNSON,
Defendant(s),

Defendant(s),

2020 AUG 14 AM10:51

Please take notice, that Kevin S Golding of The Law firm of Golding & Associates, P.L.L.C. situated at 299 Broadway, Suite 710, New York, NY 10007, herein appears on behalf of the Defendant, ~~LEONIE~~ ^{LINKED} JOHNSON, and demands that all further pleadings and correspondence be sent to the address listed below.

Dated: New York, New York

August 14th 2020

~~Kevin S Golding, Esq.
Golding & Associates PLLC
299 Broadway, Suite 710
New York, NY 10007
(212) 385-2417~~

& INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF MULVINA ECKERT,

EXHIBIT E

PACER Service Center

Phone: 210-301-6440

Toll Free: 800-676-6856

Frequently Asked Questions: <http://www.pacer.uscourts.gov/psc/hfaq.html>

For Account Information: <https://pacer.uscourts.gov/my-account-billing/manage-my-account-login>

From: Kevin Golding <goldks@gmail.com>

Sent: Friday, September 25, 2020 5:34 PM

To: info kgoldinglaw.com <info@kgoldinglaw.com>; PACERMAIL/SAT/AD/USCOURTS <pacermail@psc.uscourts.gov>

Subject: Re: PACER Account Registration Created

the link to manage my account does not open

On Fri, Sep 25, 2020 at 5:19 PM info kgoldinglaw.com <info@kgoldinglaw.com> wrote:

Get [Outlook for iOS](#)

From: do_not_reply@psc.uscourts.gov

<do_not_reply@psc.uscourts.gov>

Sent: Thursday, September 24, 2020 4:59:17 PM

To: info kgoldinglaw.com <info@kgoldinglaw.com>

Subject: PACER Account Registration Created



Your PACER account has been created. Please ensure the information below is correct:

Account Number 

Contact Name	Kevin Golding
User Name	kgolding
Account Status	Activation Required

Although you have a PACER account, your search privileges are not activated. Your authentication token will be delivered by U.S. mail in 7 to 10 business days. Activation instructions are provided in the letter you receive. You may log in and perform other activities (e.g., e-file, request filing privileges), but you will not be able to perform a search until your privileges have been enabled. If you want to receive instant access to PACER search privileges, log in to Manage My Account at <https://pacer.psc.uscourts.gov/pscif>. Select Activate Case Search Privileges. Click the link in the instructions and provide your credit card information. If the card is validated, your privileges will be activated.

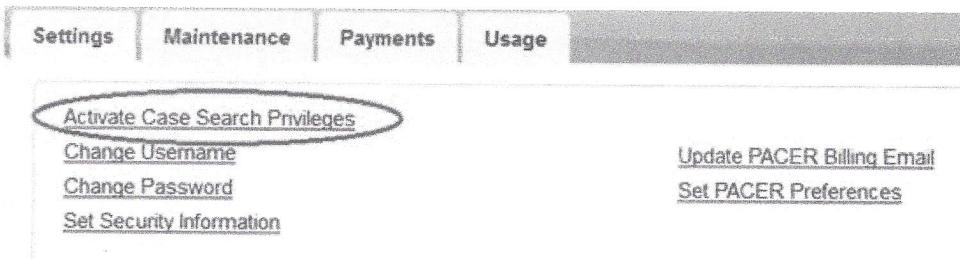
NOTE: Please do not reply to this message. This is an automated message sent from an unmonitored mailbox. If you have questions or comments, please email them to pacer@psc.uscourts.gov or call the PACER Service Center at [\(800\) 676-6856](tel:(800)676-6856) between 8 AM and 6 PM CT Monday through Friday.

From: PACERMAIL/SAT/AO/USCOURTS pacermail@psc.uscourts.gov
Subject: RE: PACER Account Registration Created
Date: Sep 28, 2020 at 10:16:48 AM
To: Kevin Golding goldks@gmail.com

Hello: The Address Verification System (AVS) credit card network conducts PACER's credit card validation. AVS is a system used to verify the identity of the person claiming to own the credit card. The AVS checks the billing address of the credit card provided. It could not verify your card.

You may retry the AVS verification online. Go to www.pacer.uscourts.gov and login to "Manage My Account" at the top of the screen. After logging in click:

ACTIVATE CASE SEARCH PRIVILEGES



Click the link and it will allow you to enter and store a credit card and check the AVS status. If it passes, it will activate the account.

Many merchants will accept credit cards using different AVS codes to validate this same credit card. The PACER Service Center is a federal agency and our validation may be different from other merchants. If the AVS cannot validate the credit card during registration, PSC does not receive the authentication.

Accordingly, we will mail an authentication token to you. Please allow 5 - 7 business days for delivery. Once received, you can activate the account.

Thank you,
Les

EXHIBIT F

Inbox Activity in Case 1:13-cv-06...

U.S. DISTRICT COURT

e

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on
10/8/2020 at 6:48 PM EDT and filed on
10/8/2020

Case Name: Eastern Savings Bank, FSB v.
Johnson et al

Case Number: 1:13-cv-06070-AMD-ST

Filer:

**Document
Number:** No document attached

Docket Text:

NOTICE re Set Hearings: As specifically set forth in this Court's Order dated September 22nd, the October 15th hearing will be held in the Central Islip Courthouse NOT the Brooklyn Courthouse. (Vasquez, Lea)

1:13-cv-06070-AMD-ST Notice has been electronically mailed to:

Jerold C. Feuerstein
jfeuerstein@kandfllp.com,
litigation@kandfllp.com

Kevin S. Golding info@kgoldinglaw.com

